



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1998

Ms. Kristen Klein
County Auditor
Guadalupe County Auditor's Office
307 W. Court, Suite 205
Seguin, Texas 78155

OR98-1222

Dear Ms. Klein:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 114914.

The Guadalupe County Auditor's Office (the "county") received a request for "Auditor's reports (independent-outside auditors) concerning any Guadalupe county department received during the past 30-days." You assert that the information at issue is excepted from disclosure on the basis of section 552.111 of the Government Code, as well as implicating the independent auditor's privacy rights and property rights.


Section 552.111 excepts from disclosure inter-agency or intra-agency communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. *See Texas Dep't of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ); Open Records Decision No. 615 (1993) at 5. Section 552.111 excepts from required public disclosure preliminary drafts of documents related to policymaking matters, since drafts represent the advice, opinion, and recommendation of the drafter as to the form and content of the final documents. *See* Open Records Decision No. 559 (1990). However, section 552.111 does not except from disclosure purely factual information. We have reviewed the documents submitted for our review. You indicate that the management report has not been presented to the commissioner's court in final form. Consequently, we agree that they are discussion drafts which may be withheld under section 552.111 of the Government Code.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

¹As we address the issues presented under section 552.111 of the Government Code, we need not address the other argument you present at this time.

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Enclosures: Submitted documents

Ref.: ID# 114914

cc: Mr. Bob Grafe
Seguin Gazette-Enterprise
P.O. Box 1200
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(w/o enclosures)